



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
097186,856	11/05/98	GORDON	M GOR-001

DAVID P GORDON
65 WOODS END ROAD
STAMFORD CT 06905

QM32/1030

EXAMINER

NGUYEN, B

ART UNIT

PAPER NUMBER

3713

13

DATE MAILED: 10/30/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/186,856	Applicant(s) GORDON ET AL.	
	Examiner Binh-An D. Nguyen	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3713

DETAILED ACTION

1. The Request for Reconsideration filed in Paper No. 12, August 14, 2001 has been received. Currently, claims 1-21 are pending in this application. Acknowledgment has been made.

2. The disclosure is objected to because of the following informalities:

On page 12, line 13, the word "bud" should be changed to "but".

Appropriate correction is required.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-18, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naka et al.(5,405,151) in view of Stamper et al. (5,080,377) or Curchod (5,354,063).

Naka et al. teach a multiplayer electronic game for use with a processing apparatus having a graphical display and input means for receiving input from at least two players simultaneously, comprising player location means for associating a game

Art Unit: 3713

location with each player; split screen means for dividing the graphical display into separate portions of each player; individual action means for requiring said at least two players to act individually at certain points in the game; joint action means for requiring at least two players to act jointly with each other at certain points in the game; joint action means require at least two players to act jointly in separate locations while said split screen means divides the display into separate portion for each player; joint action means requires at least two players to act jointly in the same location; no player can complete the game without all players also completing the game; character generator means for generating a separate character or pointer for each player; joint action required by said joint action means includes a plurality of different kinds of joint actions; cooperative action means for requiring the two players to act cooperatively with each other. See Figures 7, 25A-30, 41, and 42; column 2, lines 6-34; column 5, lines 25-61; column 17, lines 3-44; and column 18, lines 65 to column 24.

Naka et al., however, do not explicitly teach split screen means being responsive to player location means such that when two players' game locations are within a preset range, the separate portions of the graphical display for the two players are merged into a single portion of the graphical display, and when the two players' game locations are outside the preset range, the graphical display for the two players is split into separate portions; joint action means requires at least two players to act jointly in the same location while said split means merges the display into a single portion.

Art Unit: 3713

Stamper et al. teach a video display system having split screen means being responsive to playing field location means such that when playing token and game the control component 16 are within a preset range, the separate portions of the graphical display for the two are merged into a single portion of the graphical display, and when the two components' game locations (of playing token and control component) are outside the preset range, the graphical display for those two components is split into separate portions; joint action means (when the playing token is near the control component) requires at least two components (playing token and control component) to act jointly in the same location (at the bottom of playing field) while said split means merges the display into a single portion. See Figures 1 and 2a-2c; and columns 1-6.

Curchod teaches a double position golf simulator with split screen means being responsive to player location means such that when two players' game locations are within a preset range (when their golf balls are near the same hole), the separate portions of the graphical display for the two players are merged into a single portion of the graphical display, and when the two players' game locations are outside the preset range (when the golf balls are near different holes), the graphical display for the two players is split into separate portions; at least two players to act jointly (playing at the same hole) in the same location while said split means merges the display into a single portion. See Figures 2-3 and columns 2:64-66, 3:45-54.

Art Unit: 3713

Regarding the limitation of the game is an adventure game, this limitation is notoriously obvious since maze games or competitive games could be considered as adventure games.

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Naka et al.'s with Stamper et al.'s video display system or Curchod's double position golf simulator for a better multiplayer electronic games utilizing split screens.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Naka et al. and Stamper et al. or Curchod as applied to claim 18 above, and further in view of Logg (Re 35,314).

Naka et al. and Stamper et al. or Curchod teach all limitations in claim 18. Logg teaches cooperative action means includes sharing resources to other players, see column 11, lines 46-47 and column 12, lines 1-20. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Naka et al.'s and Stamper et al.'s or Curchod's with a multi-player video game of Logg to come up with a variety of cooperative actions in a multiplayer video game.

6. Applicant's arguments filed in Paper No. 12 have been fully considered but they are not persuasive. Naka et al., Stamper et al. or Curchod, and Logg, in combination, do teach all limitations claimed by the applicants as stated above. Regarding applicant's

Art Unit: 3713

arguments on the limitation of requiring the two players to act cooperatively, Naka's cooperative mode does require the two characters to stay together as close as possible (20:44-68, 21:1-30), this limitation also has been taught by Logg (Abstract and columns 1-3). Thus, the words "requiring" of claims 13, 18, and 20 have been considered.

Further, regarding applicant's argument on the limitation of the game is an adventure game, this limitation is notoriously well known in the gaming industry since maze games or competitive games could be considered as adventure games, i.e., the adventure game as claimed by the applicant featured players acting individually and jointly at different points of the game, so does the game of Naka et al. or Logg.

Furthermore, regarding applicant's statement that "the Examiner's supervisor agreed that the claims were patentable (without the "adventure game" limitation) over Logg and Naka et al. See paper #4," this is not true. No agreement on patentable claims has been instated in Paper #4 (Interview Summary). As of record, referring to Paper No. 4, it was agreed that Naka (Naka et al.) did not anticipate the split screen feature. The limitation of split screen feature, however, has been rejected in view of Stamper et al. (see Papers No. 6, 8, and 11).

7. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the

Art Unit: 3713

references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it is obvious to one of ordinary skill in the art to combine a multi-player cooperative and competitive video game of Naka et al. with either split screen mode, as taught by Stamper et al. or Curchod, to come up with a better multi-player electronic game that allows the players (participants) to visualize related two aspect of the game. Notice that, maze games or competitive games could be considered as adventure games.

8. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

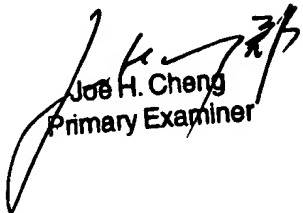
Art Unit: 3713

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D Nguyen whose telephone number is 703-305-5713. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3580 for regular communications and 703-308-7768 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.


Joe H. Cheng
Primary Examiner

Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.

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